A

CB
7/7/47

File No. 166
1936.

Collection No. 6

Mysore Residency

Bangalore.

Pros. Serial Nos. 1 - 6

Subject.

Question in the Legislative Assembly regarding appointment of Honorary magistrates in Ext. Mn of Bangalore

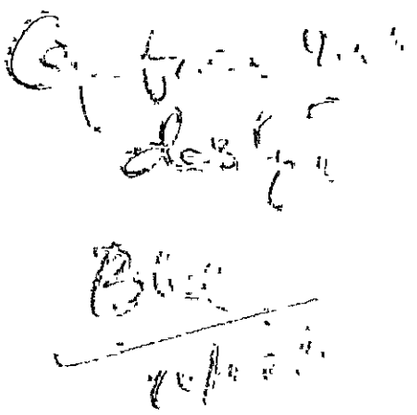
Previous References.	Later References.

S. 97.—(Blue).

Indexed

MFP—1367 S&P—(M-1907)—8-3 35—60,000.

7/47



CORRESPONDENCE.

S.N.I.

GOVERNMENT OF INDIA.

Foreign and Political Department.

EXPRESS LETTER.

From

Polindia,

Simla,

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
27 JULY 1936
Regd No. 7351.
File No. 1666(6)-36

To

The Agent to the Governor General for the Gujarat States and Resident at Baroda.
The Hon'ble the Agent to the Governor General in the States of Western India.
The Hon'ble the Agent to the Governor General in Central India.
The Resident at Gwalior.
The Hon'ble the Agent to the Governor General in Rajputana and Chief Commissioner, Ajmer-Merwara.
The Hon'ble the Resident at Hyderabad.
The Hon'ble the Resident in Mysore.
The Agent to the Governor General for the Deccan States and Resident at Kolhapur.
The Hon'ble the Agent to the Governor General and Chief Commissioner in Baluchistan.
The Chief Secretary to the Government of Assam.

No.D.1732-I.B./36. Dated the 23rd July 1936.

x bearing Serial No.58 in Notice List No.2-A dated 9th July 1936.

Reference enclosed copy of a question proposed to be asked in the forthcoming session of Legislative Assembly by Mr. Sri Prakasa.

Kindly suggest replies in respect of the centrally administered ~~area~~ areas with which you are concerned.

The issue of the above has been authorised.

Deputy Secretary to the Government of India.

LEGISLATIVE ASSEMBLY.

Notice List No.2-A.
Serial No.58.
Register No.363.

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*Mr. Sri Prakasa: (a) How many honorary magistrates function in the centrally administered areas ?

(b) What, if any, are the qualifications required before such appointments are made ?

(c) Do Government invite gentlemen to take upon themselves the duties of honorary magistrates, or are they appointed as a favour from the executive to persons desirous of the office ?

(d) Do Government make sure that a person appointed to the office of an honorary magistrate has some acquaintance with the criminal codes of the land and the law of evidence.

(e) Are Government aware that many honorary magistrates visit the evening darbars of thanedars and kotwals ?

(f) Are Government aware that many observers feel that such visits produce alliances between the police and the magistrates making justice impossible?

(g) If so, do Government approve of this? If not, do Government propose to make a rule that honorary magistrates are not to visit police stations except on duty?

Urgent.

S. N. 2

Res. Mysore 39.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Bangalore, the 29th July *1936*

Issue & fair. AsRao 29.7.36

Issued 29/7.

No. F.166(6)-36 / R. O. R. O. I encl. 1

A copy of the undermentioned paper(s) is forwarded to the

District Magistrate, C. & M. Station, Bangalore, with the request that material for uses may kindly be furnished. ~~for suggesting replies to the questions proposed to be asked.~~

The favour of an early reply is requested.

for information, in continuation of / with reference to the correspondence ending with his Memorandum / letter / endorsement from

No. dated the

By order, etc.,

for *Secretary* / *Asst. Secy* *to the Resident.* 29/7

LIST OF PAPERS.

x P.U.C / S.N.1. Express Letter from the Government of India, Foreign and Political Department, No.D.1732-I.B./36 dated the 23rd July 1936, with enclosure.

AsRao 29.7.'36

1621—2-4-1935—2,000—RPB.

Ref. No. 2726-B-36.

S.N. 3

OFFICE OF THE DISTRICT MAGISTRATE,
CIVIL AND MILITARY STATION, BANGALORE

Dated 31st July 1936.

FROM

L.J.MacIver, Esquire, I.C.S.,
DISTRICT MAGISTRATE, CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to the Hon'ble the Resident
in Mysore, BANGALORE.

SIR,

BANGALORE.
1 AUG. 1936
Regd No. 7547
File. No. 166(6)-36

Legislative Assembly - question proposed to be asked re: Honorary Magistrates - your endorsement No.F.166(6)-36/R.O.I dated 29-7-1936.

--

I furnish information below ~~&~~ seriatim.-

* S.N-2
Cor.p.3
F 166(6)-36

(a) 4 Chairmen & 12 Members are on the Bench in the C.& M.Station; and they function by turns - 1 Chairman & 3 Members each month.

(b) The selection of Chairmen is generally made from amongst retired Government officials who have had experience of Criminal work. The members are generally selected from suitable persons of status regard being had to communal representation.

(c) Suitable and qualified persons are asked whether they are willing to serve. The appointments are made by Hon'ble the Resident after consulting the District Magistrate.

(d) Yes, more particularly in the case of Chairmen.

(e) The answer is in the negative.

(f) & (g) Do not arise.

I have the honour to be,
Sir,
Your most obedient servant,

-1 AUG. 1936

DISTRICT MAGISTRATE.

Am/3117

S. N. 4

GOVERNMENT OF INDIA.

_____ DEPARTMENT.

EXPRESS LETTER

[*N.B.—This is an ORIGINAL MESSAGE, sent by post to save telegraphic expense and undue use of the wires, but intended to be treated, on receipt, with the same expedition as if it had been telegraphed. To save time and formalities it is worded and signed as if it had been so despatched.*]

FROM

RESIDENT MYSORE

BANGALORE.

To

POLINDIA

SIMLA.

Issued
MP
5/8/36

No. F.166(6)-36 R.O.1 *Dated* 5th August *19*36

QUESTIONS REGARDING HONORARY MAGISTRATES IN THE STATION.

- - - -

Your Expresa Letter No.D.1732-I.B./36, dated 23rd July 1936.

The following answers are suggested in respect of the Civil and Military Station, Bangalore:-

(a) There are 4 Chairmen and 12 Members of the Bench of Honorary Magistrates in the Civil and Military Station of Bangalore. They function by turns, 1 Chairman and 3 Members each month.

(b) The selection of Chairmen is generally made from amongst retired Government Officials who have had experience of criminal magisterial work. The members are selected from suitable persons of status, regard being paid to communal representation.

(c) Suitable persons are asked whether they are willing to serve on the Bench of Honorary Magistrates. The appointments are made by the Hon'ble the Resident on the recommendation of the District Magistrate.

(d) Yes, more particularly in the case of Chairmen.

(e)

S. 6.
MGIPC—FP—42DCFMis.-(1743)—16-5-25—2,00,000.

(e) The answer is in the negative.

(f))
) Do not arise.
(g))

R E S I D E N T.

The issue of the above has been authorised.

o/c Vote 5/8.

SECRETARY TO THE RESIDENT.

BJ

S.N. 5

No.F.41(2)-I.B/36.

A copy of the undermentioned papers is forwarded to

the Government of Assam,
the Hon'ble the Resident at Hyderabad,
the Hon'ble the Resident in Mysore,
the Hon'ble the A.G.G. in Central India,
the Hon'ble the A.G.G. and C.C. in Baluchistan,
the Hon'ble the Chief Commissioner of Ajmer-Merwara,
the Hon'ble the A.G.G. in the States of Western India,
the A.G.G. for the Gujarat States and Resident at Baroda,
the A.G.G. for the Deccan States and Resident at Kolhapur,
the Resident at Gwalior & Political Agent for the States of Rampur and Benares,

for information, with reference to

their Express letter No.Pol.1800/6799 A.P, dated the 28th July 1936.
his Express letter No.2610-J/ F.404/1936, dated the 30th July 1936.
his Express letter No.F.166(6)-36,/R.O.I, dated the 5th August 1936.
his Express letter No.2103-B, dated the 30th July 1936.
his Express letter No.710-P.Z, dated the 5th August 1936.
his Express letter No.961/15-II-CC/33, dated the 6th August 1936.
his Express letter No.E.451-36, dated the 29th July 1936.
his Express letter No.15477, dated the 27th July 1936.
his letter No.P.4262/36, dated the 30th July 1936.
his express letter No.1990-B, dated the 25th July 1936.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
15 NOV. 1936
Regd. No. 11209.
File. No. 166(6)-36

By order, etc.,

Assistant Secretary to the Government of India.

Foreign and Political Department,

New Delhi,

The 15th November 1936.

Letter from the Government of India in the Home Department No.F.19/17/36-Judicial, dated the 6th October 1936, with enclosures.

Copy of a letter No.F.19/17/36-Judicial, dated Simla, the 6th October 1936, from the Joint Secretary to the Government of India, Home Department, to the Chief Commissioner of Coorg, Delhi, Andaman and Nicobar Islands.

Question in the Legislative Assembly by Mr. Sri Prakasa, M.L.A., regarding honorary magistrates in the centrally administered areas.

With reference to the correspondence ending with your express letter No.2190/17-36, dated the 21st August '36 and express letter 6847-Legislative dated the 13th August '36 letter No.5181, dated 6th August 1936,

on the subject noted above, I am directed to forward for your information a copy of the questions asked and the answers given to them on the 11th September 1936.

Question.

316. *Mr. Sri Prakasa: (a) How many honorary magistrates function in the Centrally administered areas?

(b) What, if any, are the qualifications required before such appointments are made?

(c) Do Government invite gentlemen to take upon themselves the duties of honorary magistrates, or are persons desirous of the office appointed by the executive?

(d) Do Government make sure that a person appointed to the office of an honorary magistrate has some acquaintance with the criminal codes of the land and the law of evidence?

(e) Are Government aware that many honorary magistrates visit the evening darbars of thanedars and kotwals?

(f) Are Government aware that many observers feel that such visits produce alliances between the police and the magistrates making justice impossible?

(g) Do Government propose to make a rule that honorary magistrates are not to visit police stations except on duty?

Answers.

The Honourable Sir Henry Craik (a) 143.

(b) Good repute, high standing, and adequate intellectual attainments.

(c) The administrations invite suitable gentlemen to take upon themselves the duties of honorary magistrates.

(d) Yes, as far as possible.

(e) & (f) The administrations are not aware of any such durbars.

(g) No.

Supplementaries to question No. 316 answered on the 11th September 1936.

Mr. Sri Prakasa: With reference to the answer to part (b) of the question, may I know whether a knowledge of criminal codes of the land and of the law of evidence is not absolutely necessary for persons so appointed? The Hon'ble Member said as far as possible.

The Hon'ble Sir Henry Craik : When I said that, I meant it is not possible to compel these gentlemen to undergo an examination; but they are encouraged to undergo departmental examination, and I believe in some cases they do so. Anyhow it is possible to ensure to some extent at any rate that a man is acquainted with criminal law without compelling him to undergo an examination.

Dr. N.B. Khare: Is there any test made before they are appointed?

The Hon'ble Sir Henry Craik: In some cases, yes.

Prof. N.G. Ranga: Are they reappointed even if they have not taken advantage of an examination?

The Hon'ble Sir Henry Craik : I said it is not possible to insist on their undergoing an examination in all cases.

Mr. T.S. Avinashilingam Chettiar: May I know if, in some caes, they are appointed without passing these tests or undergoing these tests?

The Hon'ble Sir Henry Craik: In some cases, yes.

.....

S. N. 6

Res. Mysore 39.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Bangalore, the 27th November *1936.*

Issued
27-11-36.

Issued
AsRao
19.xi.36

No. F. 166(6)-36
R. O. T

encl. 2.

A copy of the undermentioned paper(s) is forwarded to the

District Magistrah, C. & M. Stations, Bangalore,

for information, ~~in continuation of~~ / with reference to ~~the correspondence ending with~~ his

~~Memorandum~~ / letter / ~~endorsement~~ ~~from~~

Ref. No. 2726-B-36 dated the 31st July 1936.

* S.N.3
Corr. 4

By order, etc

for *Secretary* / ~~Asst. Secy.~~ *to the Resident.*

LIST OF PAPERS.

Corr 8
S.N 5.

Letter from the Government of India in the Home Department No. F. 19/17/36-Judicial, dated the 6th October 1936, with enclosures.

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18.xi.36

1621—2-4-1935—2,000—RPB.

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